General Assembly

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Sixty-ninth session
Agenda item 68 (*b*)

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/488/Add.2 and Corr.1)*]

69/184. Missing persons

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto of 1977,[2] as well as international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7]

Recalling the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance,[8] and calling upon States that have not yet done so to consider signing, ratifying or acceding to it as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances,

Recalling also all previous relevant resolutions on missing persons adopted by the General Assembly, as well as the resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council,

Recalling further General Assembly resolution 68/165 of 18 December 2013 on the right to the truth, as well as Commission on Human Rights resolution

[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[2] Ibid., vol. 1125, Nos. 17512 and 17513.
[3] Resolution 217 A (III).
[4] See resolution 2200 A (XXI), annex.
[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] A/CONF.157/24 (Part I), chap. III.
[8] Resolution 61/177, annex.

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2005/66 of 20 April 2005[9] and Human Rights Council decision 2/105 of 27 November 2006[10] and Council resolutions 9/11 of 24 September 2008,[11] 12/12 of 1 October 2009[12] and 21/7 of 27 September 2012[13] on the right to the truth,

Noting with deep concern that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and international human rights law,

Noting that the issue of persons reported missing in connection with international or non-international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and international human rights law, continues to have a negative impact on efforts to put an end to those conflicts and inflicts grievous suffering on the families of missing persons, and stressing in this regard the need to address the issue from, inter alia, a humanitarian and rule of law perspective,

Considering that the problem of missing persons may raise questions of international humanitarian law and international human rights law, as appropriate,

Bearing in mind that cases of missing persons involve conduct that may constitute criminal offences, and stressing the importance of ending impunity for violations of international humanitarian law and international human rights law with respect to missing persons,

Cognizant that States that are parties to an armed conflict have a responsibility for countering the phenomenon of missing persons, taking all appropriate measures to prevent persons from going missing, including, when appropriate, effectively investigating the conditions relating to persons going missing and determining the fate of missing persons, and for recognizing their accountability as regards implementing the relevant mechanisms, policies and laws,

Bearing in mind the effective search for and identification of missing persons using forensic sciences, and recognizing that great technological progress has been made in this field, including DNA forensic analysis, which can significantly assist efforts to identify missing persons and to investigate violations of international humanitarian law and international human rights law,

Recognizing that the establishment and effective work of competent national institutions can play a crucial role in clarifying the fate of missing persons in connection with armed conflict,

Recognizing also the importance of addressing the legal situation of missing persons in connection with armed conflict and supporting their family members through national policies that include a gender perspective, as appropriate,

Noting in this regard the progress made by coordination mechanisms, established in different parts of the world, aiming at exchanging information and

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[9] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[10] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. B.

[11] Ibid., *Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

[12] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[13] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

identifying missing persons, which have contributed to informing families of the fate and whereabouts of their missing relatives,

Recognizing that respect for and implementation of international humanitarian law can reduce the number of cases of missing persons in armed conflict,

Stressing the importance of measures to prevent persons from going missing in connection with armed conflict, which may include enacting national legislation, producing and providing proper means of identification, the establishment of information bureaux, grave registration services and registers of deaths and ensuring accountability in cases of the missing,

Taking note of the four-year plan of action for the implementation of international humanitarian law, adopted by the Thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva from 28 November to 1 December 2011, in which, inter alia, States were invited, as part of its fourth objective, to consider, in the light of the right of families to know the fate of their relatives, enacting appropriate legislation or arrangements to ensure adequate participation and representation of victims and their families as well as access to justice and protection for victims and witnesses, especially women and children, in proceedings before their courts and in other transitional justice mechanisms concerning serious violations of international humanitarian law,

Taking note also of the report of the Human Rights Council Advisory Committee on best practices in the matter of missing persons,[14]

Welcoming the convocation of the international conference entitled "The missing: an agenda for the future", organized by the International Commission on Missing Persons in The Hague from 30 October to 1 November 2013, and taking note of the comprehensive report entitled "The missing: an agenda for the future" and its recommendations to address the problem of missing persons and the impact on their families,

Noting with appreciation the ongoing international and regional efforts to address the question of missing persons and the initiatives undertaken by international and regional organizations in this field,

1. *Urges* States to strictly observe and to respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949[1] and, where applicable, in the Additional Protocols thereto of 1977;[2]

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with the armed conflict, to account for persons reported missing as a result of such a situation and, in cases of the missing persons, to take such measures, as appropriate, to ensure thorough, prompt, impartial and effective investigations and the prosecution of offences linked to missing persons, consistent with their obligations under international law, with a view to full accountability;

3. *Calls upon* States to take measures to prevent persons from going missing in connection with armed conflict, including by fully implementing their obligations and commitments under relevant international law;

[14] A/HRC/16/70.

4. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflict;

5. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

6. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death;

7. *Recognizes*, in this regard, the need for appropriate means of identification and for the collection, protection and management of data on missing persons and unidentified remains according to international and national legal norms and standards, and urges States to cooperate with each other and with other concerned actors working in this area by, inter alia, providing all relevant information related to missing persons, including on their fate and whereabouts;

8. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children and to reunite them with their families;

9. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all such legal and practical measures and coordination mechanisms as may be necessary, based on humanitarian considerations only;

10. *Urges* States that are parties to an armed conflict to cooperate, consistent with their international obligations, in order to effectively solve cases of missing persons, including by providing mutual assistance in terms of information-sharing, victim assistance, location and identification of missing persons and recovery, identification and return of human remains and, if possible, by identifying, mapping and preserving burial sites;

11. *Invites* States to encourage interaction between competent organizations and institutions, such as national commissions on missing persons, which play a crucial role in clarifying the fate of persons missing in connection with armed conflict and providing support to the families of the missing;

12. *Urges* States, and encourages intergovernmental and non-governmental organizations, to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflict and to provide appropriate assistance, as requested by the concerned States, and welcomes in this regard the establishment and efforts of commissions and working groups on missing persons;

13. *Calls upon* States, without prejudice to their efforts to determine the fate of persons reported missing in connection with armed conflict, to take appropriate steps with regard to the legal situation of missing persons and the needs and accompaniment of their family members, with particular attention to the needs of women and children, in such fields as social welfare, psychological and psychosocial support, financial matters, family law and property rights;

14. *Invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to further their engagement in order to follow forensic best practices as they apply to preventing and resolving cases of missing persons in connection with armed conflict;

15. *Also invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives in accordance with relevant applicable laws and regulations;

16. *Stresses* the need to address the issue of missing persons as a part of peace and peacebuilding processes, with reference to all justice and rule-of-law mechanisms, including the judiciary, parliamentary commissions and truth-finding mechanisms, on the basis of transparency, accountability and public involvement and participation;

17. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflict in their forthcoming reports to the General Assembly;

18. *Requests* the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its seventy-first session a comprehensive report on the implementation of the present resolution, including relevant recommendations;

19. *Also requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

20. *Decides* to consider the question at its seventy-first session.

73rd plenary meeting
18 December 2014

General Assembly

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69/185. The safety of journalists and the issue of impunity

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,[1] and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights[2] and the International Convention for the Protection of All Persons from Enforced Disappearance,[3] as well as the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto,[5]

Recalling its resolution 68/163 of 18 December 2013 on the safety of journalists and the issue of impunity, in which it proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists,

Welcoming the report of the Secretary-General,[6]

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,

Recalling Human Rights Council resolutions 21/12 of 27 September 2012[7] and 27/5 of 25 September 2014[8] on the safety of journalists, 20/8 of 5 July 2012 on the

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 61/177, annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[5] Ibid., vol. 1125, Nos. 17512 and 17513.

[6] A/69/268.

[7] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[8] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigendum (A/69/53/Add.1 and Corr.1), chap. IV, sect. A.

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promotion, protection and enjoyment of human rights on the Internet,[9] and 27/12 of 25 September 2014 on the World Programme for Human Rights Education[8], as well as Security Council resolution 1738 (2006) of 23 December 2006,

Welcoming the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, and taking note with appreciation of the summary report of the Office of the United Nations High Commissioner for Human Rights thereon, submitted to the Council at its twenty-seventh session,[10] as well the 2014 report of the United Nations Educational, Scientific and Cultural Organization entitled *World Trends in Freedom of Expression and Media Development*,

Taking note of all relevant reports of the special procedures of the Human Rights Council with regard to the safety of journalists, in particular the reports of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression[11] and on extrajudicial, summary or arbitrary executions[12] submitted to the Human Rights Council at its twentieth session and the interactive dialogue thereon,

Commending the role and the activities of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization with regard to the safety of journalists and the issue of impunity, and their facilitation of the commemoration of the International Day to End Impunity for Crimes against Journalists, in consultation with relevant entities within the United Nations system, Governments and relevant stakeholders,

Taking note with appreciation of the report of the Office of the High Commissioner for Human Rights on good practices concerning the safety of journalists,[13] submitted to the Human Rights Council at its twenty-fourth session,

Noting with appreciation the international conference on the safety of journalists, held in Warsaw on 23 and 24 April 2013, and its specific recommendations,[14]

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Acknowledging that journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, thereby contributing to the shaping of public debate,

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[9] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. IV, sect. A.

[10] A/HRC/27/35.

[11] A/HRC/20/17.

[12] A/HRC/20/22 and Corr.1.

[13] A/HRC/24/23.

[14] See S/2013/422, annex.

Recognizing the relevance of freedom of expression and of free media, online as well as offline, in building inclusive and peaceful knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance, as well as understanding and cooperation,

Recognizing also that the work of journalists often puts them at specific risk of intimidation, harassment and violence,

Noting the good practices of different countries aimed at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Recognizing that the number of people whose lives are influenced by the way information is presented is significant and that journalism influences public opinion,

Bearing in mind that impunity for attacks against journalists remains one of the greatest challenges to the safety of journalists and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Recalling in this regard that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed or detained in recent years as a direct result of their profession,

Expressing deep concern also at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining, in this context, the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

Acknowledging also the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance or interception of communications in violation of their rights to privacy and to freedom of expression,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances, arbitrary arrest and arbitrary detention, as well as intimidation and harassment in both conflict and non-conflict situations;

2. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

3. *Urges* the immediate release of journalists and media workers who have been taken as hostages or who have become victims of enforced disappearances;

4. *Encourages* States to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

5. *Requests* the United Nations Educational, Scientific and Cultural Organization, in consultation with relevant entities of the United Nations system, and mindful of the provisions of the annex to Economic and Social Council resolution 1980/67 of 25 July 1980, to continue facilitating the implementation of the International Day in collaboration with Governments and relevant stakeholders;

6. *Urges* Member States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, speedy, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

7. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of: (*a*) legislative measures; (*b*) awareness-raising in the judiciary and among law enforcement officers and military personnel, as well as among journalists and in civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (*c*) the monitoring and reporting of attacks against journalists; (*d*) publicly and systematically condemning violence and attacks; and (*e*) dedicating the resources necessary to investigate and prosecute such attacks and to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified in Human Rights Council resolution 27/5 of 25 September 2014;[8]

8. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, including with regional organizations;

9. *Calls upon* States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, as well as international and regional human rights mechanisms, and to share information on a voluntary basis on the status of investigations into attacks and violence against journalists;

10. *Invites* the relevant agencies, organizations, funds and programmes of the United Nations system to actively exchange information, including through already identified focal points, about the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, in cooperation with Member States and under the overall coordination of the United Nations Educational, Scientific and Cultural Organization;

11. *Requests* the Secretary-General to report to the General Assembly at its seventieth session and to the Human Rights Council at its thirtieth session on the implementation of the present resolution.

73rd plenary meeting
18 December 2014